



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,815	11/30/2000	Hideaki Yui	35.C15025	8732
5514 7590 11/14/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER RAMAN, USHA	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 11/14/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/725,815

Applicant(s)

YUI ET AL.

Examiner

Usha Raman

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,10,15-17,20,25,32,33,39,45 and 47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,10,15-17,20,25,32,33,39,45 and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2-5-01</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 21st, 2007 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on February 5th, 2001 has been considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 10, 20, 25, 32, 33, 39 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775) and Lawler (US Pat. 5,758,259).

With regards to claim 1, 33, and 39 Yoshinobu discloses a receiving apparatus comprising:

Receiving unit for receiving a broadcasting signal (column 13, lines 14-21, and lines 26-53) in which of a plurality of programs and program guide information are multiplexed (column 8, lines 1-47, column 31, lines 45-55);

Extraction unit for extracting program guide information from the broadcasting signal received by the receiving unit (column 13, lines 5-15, lines 45-53);

Selecting unit for selecting by a user using a first program guide table based on the program guide information extracted by the extraction unit (see figure 15, column 20, lines 40-67), a program corresponding to first program information from the plurality of programs (column 13, lines 45-53);

Yoshinobu fails to disclose an input unit for inputting by the user, second program information regarding the selected program including a recommendation index indicating a recommendation degree, an integrating unit for integrating the first and second program information, a transmitting unit for transmitting the integrated program information as a recommendation the integrated program information as recommendation guide information to an external apparatus that is accessible by another user, and displaying recommendation guide information including a recommendation index transmitted by another user in the second program table.

Finseth discloses a system for sharing viewer preference information with other users, thereby informing other users of a program the first user is watching by transmitting an information about a program and comments about the program (see column 12, lines 32-36), the system comprising

Input means (keyboard, remote control) for inputting by the user, second program information (comments or notes) regarding the selected program (see column 12, lines 32-36);

The system comprises "integrating means" for integrating the first (attributes of the program) and second program (user comments on the program) information since both of the information are transmitted from the sender and received at the receiver integrally. See column 12 lines 34-38 and column 14, lines 55-58.

Transmitting means (interface 82) for transmitting the integrated program information as recommendation guide information (viewing preference information) to an external apparatus (receiver of the recipient), which is accessible by another user (recipient). See column 12, lines 42-46.

Note that Finseth discloses user can include any user comments and/or notes in the second program information (see column 12, lines 32-36). Glance et al. teach the step of recommending content by a user, wherein the recommendation comprises a numerical value or a star rating indicating a degree of recommendation. See abstract and column 5, lines 1-10.

It would have obvious to one of ordinary skill in the art at the time of the invention to modify Yoshinobu in view of Finseth and Glance by sharing a first user's preference and recommendations (i.e. annotation) of a particular program with another user, the recommendation including a degree of liking of the program by the first user, so that the second user knows the recommendation degree of that program.

The modified system is silent on the step of a second table generation means for generating a program table in accordance with recommended guide information.

Lawler discloses a second table generation means for generating second program table displaying various types of preferred/recommended programs including household preference information, national preference etc., and therefore teaches second program table comprising preference information of at least one other user. See fig. 3B.

It would have been ordinary to one of ordinary skill in the art at the time of the invention to further modify the system in view Lawler, by allowing a the display of received viewer preferences/recommendations from other users in a second program table thereby informing user of programs recommended to that user and enabling the user to select the recommended programs from the second program table.

With regards to claim 2, the television broadcasting signal of the modified system is further multiplexed with program attribute data (See Yoshinobu: column 8, lines 38-67, column 11, lines 40-25) of the plurality of programs, said integration means includes means for integrating the selected program with the first and second program information (See Finseth: column 12, lines 19-23 and lines 30-35, attributes are stored in sub-history table, and the history table containing attributes shared with other users).

With regards to claim 4, the second program information of the modified system includes arbitrary comment information. See Finseth, column 12, lines 32-38.

With regards to claim 10, the transmitting means (Interface card 82) transmits the output file (i.e. viewing preference information) comprising the integrated program information to a network (such as the Internet) connected to the receiving means (see Finseth: column 12, lines 42-46).

With regards to claim 20, the modified system shows the program table generating means generates a two-dimensional program table having a broadcasting time as one axis and a channel as the other axis (see Yoshinobu: fig. 15). Furthermore, the modified system discloses the step of displaying contents of a shared preference (see Finseth: column 2, lines 19-21) the recommendation indication based on a recommendation index (inputted by use in preference profile, see Lawler: column 9, lines 63-64).

With regards to claim 25, the modified system selecting program from second program table from a plurality of programs contained in the second program guide, and further comprising processing unit for processing the video signal of the selected program (see Lawler: figure 3B and column 5, lines 1-20), and further comprising signal processing unit for processing the information signal of a video signal of a program selected (Yoshinobu: col. 22 lines 54-60, col. 23 lines 60-67,).

With regards to claim 32, Yoshinobu shows an output means for outputting the video signals received by said receiving means and data of the first and second

program tables generated by said program table generating unit to a display device (figs. 15-19, col. 22 lines 50-54, processing section for display on CRT).

With regards to claim 45, the receiving apparatus is selected from the group consisting of a WWW server, another receiving apparatus, and an external recording medium (see Finseth column 13, lines 29-31)

5. Claims 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954), in view of Finseth (US Pat. 6,813,775), Lawler (US Pat. 5,758,259), and Glance et al. (US Pat. 6,415,368) as applied to claim 20 above, and further in view of Herz et al. (US Pat. 6,020,883).

With regards to claim 47, the modified system is silent on the step of displaying the programs boxes on table corresponding to a recommended program with a recommendation index with a different display form than a non recommended program.

In an analogous art, Herz discloses a method of highlighting recommended programs directly on an EPG for customer perusal. See column 22, lines 65-67 and column 46, lines 14-18. By selectively highlighting recommended programs on an EPG, the recommended programs stands out and therefore is of a different display form than the non-recommended programs.

Therefore, it would have been obvious one of ordinary skill in the art at the time of the invention to modify the system with teachings of Herz by highlighting the recommended programs on the two dimensional program table, so that the

recommended program stands out more compared to the non-recommended programs.

6. Claims 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954), in view of Finseth (US Pat. 6,813,775) Lawler (US Pat. 5,758,259) and Cooper et al. (US Pre Grant Pub. 2004/0231003).

With regards to claim 15, the modified system fails to disclose the step of a control means judging whether a service for the selected program is compatible with the broadcast service, and outputting an incompatibility message if the type is incompatible.

Cooper discloses a system of sharing viewing recommendations comprising control means for judging whether the receiving means can receive the selected program (see Cooper: [0050], [0051], [0047]; (see Cooper: fig. 6, message 600 e.g. the recommended program "Friends" is not available in FOX for user at 600b, however, the program guide indicates "Friends" on another network, and therefore the guide at 600b is highlighted to reflect the recommended program). Cooper looks the recommended program in various networks to find if it is airing in another network. Examiner further takes official notice that it is well known to display an alert to the user notifying that the service is unavailable.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Cooper by checking the compatibility of a recommended program at the recipient to determine if the

Art Unit: 2623

recommended program is on an available channel and display service unavailable alert to the user to let them know they cannot tune to the recommended program.

7. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinobu et al. (US Pat. 5,686,954) in view of Finseth et al. (US Pat. 6,813,775), Lawler (US Pat. 5,758,259) and Cooper et al. (US Pre Grant Pub. 2004/0231003) as applied to claim 15 above, and further in view of Schein et al. (US Pat. 6,002,394)

With regards to claim 16, the modified system comprises a "Pay" tab on the selection menu (see Yoshinobu: fig. 15), however fails to specifically state using a pay per view program selection means.

Schein shows a pay per view program means and control means for controlling the pay per view information (column 24, lines 40-67, pay per view programs).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system with a pay per view selection as shown by Schein so that a user could order premium programming at a price per viewing.

With regards to claim 17, the modified system fails to show restriction information of the selected program and control means for restricting the program in accordance with the information.

Schein shows the ability to require a user to enter a password for certain restricted programs, effectively restricting the program to people who do not have the password (fig. 18c, col. 23 lines 1-18, entering password to allow viewing of selected program).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system with the restricted access, as shown by Schein, so that a user could prevent unauthorized viewing of certain programs.


Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

UR


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600